

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference P15222PC00	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/IB 03/03147	International filing date (day/month/year) 05.08.2003	Priority date (day/month/year) 05.08.2002
International Patent Classification (IPC) or both national classification and IPC E02D3/039		
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- This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 5 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

 These annexes consist of a total of sheets.

- This report contains indications relating to the following items:

- I ☒ Basis of the opinion
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 01.03.2004	Date of completion of this report 06.09.2004
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Geiger, H Telephone No. +49 89 2399-2962 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/IB 03/03147

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17))*):

Description, Pages

1-8 as originally filed

Claims, Numbers

1-24 as originally filed

Drawings, Sheets

1/3-3/3 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	
	No: Claims	1-19
Inventive step (IS)	Yes: Claims	
	No: Claims	1-19
Industrial applicability (IA)	Yes: Claims	1-19
	No: Claims	

2. Citations and explanations

see separate sheet

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Re Item III

Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. Since the applicant failed to pay additional fees for another search, no opinion can be established with regard to novelty, inventive step and industrial applicability for the claims **20-24**.

Re Item V

Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. State of the art

- 1.1 Reference is made to the following documents:

D1: US-B1-6 171 020 (PIKNA DAN ET AL)
D2: DE 197 11 649 A (HUGO WUPPER GMBH & CO KG ;LOBBE XENEX GMBH (DE)
D3: GB-A-1 484 022 (SISIS EQUIP)
D4: US-A-5 511 901 (YATES STEVE K)

2. Novelty / Inventive step - Article 33(2) and (3) PCT

re independent claim 1:

- 2.1 **D1** is considered the most relevant state of the art.
- 2.2 **D1** discloses (*cf. abstract, fig. 1*)
 - (a) a **refuse compactor** comprising
 - (b) a **roller** secured to a **chassis**, whereby the chassis has
 - (c) a **coupling** for releasably securing the chassis to a boom of a front-end loader.
- 2.3 The subject matter of claim 1 is also not new with respect to the disclosure of **D2**, **D3** and **D4** (*cf. D2: figs. 1 & 6, col. 6, l. 2-8; D3: figs. 1-3; D4: col. 1, 57-col. 2, 34, fig. 1*).

re dependent claims:

- 2.4 Dependent claims **2-19** do not contain any additional features which, in combination with the features of any claim to which they refer, would lead to subject matter fulfilling the requirements of Article 33(2) PCT. These additional features are anticipated by the abovementioned prior art.

3. Industrial Applicability - Article 33(4) PCT

The subject matter of claims **1-19** is industrially applicable.

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Further remarks:

1. The independent claims are not properly cast in the two part form, with those features which in combination are part of the prior art being placed in the preamble (cf. Rule 6.3(b) PCT).
2. No reference signs in parentheses are inserted in the claims to increase their intelligibility; this applies to both the preamble and the characterising portion (cf. Rule 6.2(b) PCT).
3. The description in conformity with the claims (cf. Article 34(2)b) PCT).
4. Contravening the requirements of Rule 5.1a)ii) PCT, the documents **D1** and **D2** are not identified in the description and the relevant background art disclosed therein is not discussed.